

Message

From: Miles, James [miles.james@epa.gov]
Sent: 2/25/2019 10:20:46 PM
To: Holmes, Carol [Holmes.Carol@epa.gov]
Subject: RE: Hazelton
Attachments: Updating WCED's position on Hazelton

Geraldine – here's Amos' instruction to her.

From: Holmes, Carol
Sent: Monday, February 25, 2019 5:18 PM
To: Miles, James <miles.james@epa.gov>
Subject: RE: Hazelton

Attorney Client / Ex. 5

Thanks!

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Miles, James
Sent: Monday, February 25, 2019 4:44 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Hazelton

What the heck.... I thought the Agency's position was that this wasn't a final agency action. So some of this is concerning....

Attorney Client / Ex. 5

From: Holmes, Carol

Sent: Monday, February 25, 2019 4:14 PM

To: Presler, Amos <presler.amos@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>

Cc: Porter, Amy <Porter.Amy@epa.gov>

Subject: FW: Hazelton

Attorney Client / Ex. 5

I'm assuming this will be on the WCED General this week, so plan to attend. Thanks!

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From: Fisher, Bethany

Sent: Monday, February 25, 2019 3:42 PM

To: Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Porter, Amy <Porter.Amy@epa.gov>

Subject: RE: Hazelton

Hi Carol,

Just wanted to let you know that I raised this issue with my manager. It turns out he's going to have a conversation with Rosemarie Kelley about TSCA matters more generally some time soon, so he said he'll try to work this issue into the conversation as well.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Fisher, Bethany
Sent: Monday, February 25, 2019 12:25 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Hazelton

Hi Carol,

Attorney Client / Ex. 5

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Holmes, Carol
Sent: Monday, February 25, 2019 10:43 AM
To: Fisher, Bethany <fisher.bethany@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Hazelton

Attorney Client / Ex. 5

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Washington, DC 20460
Phone (202) 564-8709

From: Fisher, Bethany

Sent: Monday, February 25, 2019 10:32 AM

To: Holmes, Carol <Holmes.Carol@epa.gov>; Grant, Brian <Grant.Brian@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>

Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Presler, Amos <presler.amos@epa.gov>

Subject: RE: Hazelton

Attorney Client / Ex. 5

Bethany Fisher

EPA Office of General Counsel

Pesticides and Toxic Substances Law Office

202-564-2672

From: Holmes, Carol

Sent: Monday, February 25, 2019 10:27 AM

To: Fisher, Bethany <fisher.bethany@epa.gov>; Grant, Brian <Grant.Brian@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>

Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Presler, Amos <presler.amos@epa.gov>

Subject: RE: Hazelton

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Thanks!

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Carol S. Holmes

Senior Counsel

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From: Fisher, Bethany

Sent: Friday, February 22, 2019 6:00 PM

To: Holmes, Carol <Holmes.Carol@epa.gov>; Grant, Brian <Grant.Brian@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>

Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana

<Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Presler, Amos <presler.amos@epa.gov>

Subject: RE: Hazelton

A few follow-up questions for the group:

Attorney Client / Ex. 5

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Holmes, Carol

Sent: Thursday, February 21, 2019 4:00 PM

To: Grant, Brian <Grant.Brian@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Fisher, Bethany
<fisher.bethany@epa.gov>

Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana
<Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Presler, Amos <presler.amos@epa.gov>

Subject: RE: Hazelton

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff

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From: Grant, Brian
Sent: Thursday, February 21, 2019 3:50 PM
To: Baney, Tony <Baney.Tony@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>
Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Presler, Amos <presler.amos@epa.gov>
Subject: RE: Hazelton

Attorney Client / Ex. 5

Thanks.

Brian Grant
EPA Office of General Counsel
Pesticides and Toxic Substance Law Office
202-564-5503

From: Baney, Tony
Sent: Thursday, February 21, 2019 3:25 PM
To: Grant, Brian <Grant.Brian@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>
Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Presler, Amos <presler.amos@epa.gov>
Subject: RE: Hazelton

Attorney Client / Ex. 5

From: Grant, Brian
Sent: Thursday, February 21, 2019 2:46 PM
To: Baney, Tony <Baney.Tony@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>
Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Presler, Amos <presler.amos@epa.gov>
Subject: RE: Hazelton

Attorney Client / Ex. 5

Thanks.

Brian Grant

EPA Office of General Counsel
Pesticides and Toxic Substance Law Office
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From: Baney, Tony
Sent: Thursday, February 21, 2019 2:36 PM
To: Fisher, Bethany <fisher.bethany@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Presler, Amos <presler.amos@epa.gov>
Subject: RE: Hazelton

Attorney Client / Ex. 5

From: Presler, Amos
Sent: Wednesday, February 20, 2019 4:09 PM
To: Fisher, Bethany <fisher.bethany@epa.gov>

Cc: Grant, Brian <Grant.Brian@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: Re: Hazelton

That's a great question. History of noncompliance, prior violations, etc. can be result in an upward penalty adjustment. Tony can you look in the PCB ERP and respond to Bethany?

Amos Presler, Acting Branch Chief

Chemical Risk and Reporting Enforcement Branch, WCED

(202) 564-1076

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On Feb 20, 2019, at 3:53 PM, Fisher, Bethany <fisher.bethany@epa.gov> wrote:

Hello OECA,

Attorney Client / Ex. 5

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Fisher, Bethany

Sent: Wednesday, February 20, 2019 11:46 AM

To: Presler, Amos <presler.amos@epa.gov>; Grant, Brian <Grant.Brian@epa.gov>

Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: Hazelton

Hi Amos,

Thank you for your email (and Carol for the call yesterday). Yes, it should be fine to wait until Monday for Geraldine's comments. The variable is the due date for the filing, which the court was supposed to provide yesterday but which I haven't seen yet; I'll let you know as soon as I hear.

Attorney Client / Ex. 5

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Please let me know if you have any questions. If I hear of any follow-up or summary from today's meeting, I'll let you know.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Presler, Amos

Sent: Wednesday, February 20, 2019 10:27 AM

To: Grant, Brian <Grant.Brian@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>

Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: Hazelton

Hi Bethany and Brian,

Thank you for sharing the updated brief with us and letting us know about your planned conversation with OCSPP about this matter. I have a couple process requests.

The first is for more time to review the brief. Our only PCB attorney will be unavailable this week. If you could give us until next Monday so that she can review it when she is back in the office, that would be great.

Attorney Client / Ex. 5

Thanks,
Amos

Amos Presler, Acting Branch Chief
Chemical Risk and Reporting Enforcement Branch
U.S. EPA, OECA, Office of Civil Enforcement
(202) 564-1076

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